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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 21

Application Number: 09/421,580
Filing Date: 10/20/99
Appellant(s): KIM C. SMITH

Walter J. Malinowski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/03/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

Appellant is not aware of any related appeals or interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's grouping of claims in the brief is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,678,015	Goh	10-1997
6,078,935	Nielsen	06-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 10-16, 18-20, 23-29, 31-33, 36-42, 44-46 and 49-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Goh [US. 5,678,015].

As to claims 1, 14, 27 and 40, Goh discloses at least two selectable targets displayed on at least a portion of said display (each window in figure 5 represents each selectable target); said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation (column 6, lines 1-10); a cursor capable of being displayed on said display a cursor

control device capable of controlling said cursor's position and movement on said display (column 4, lines 15-16).

As to claims 2, 15, 28 and 41, Goh teaches the interface being capable of varying the displayed size of said targets during said simulated rotation about said axis. In figure 5, the windows (104, 106) and their icons rotate about Y axis. Window (104) would change its size (smaller) when it moves to the back of the screen (500) due to the viewing point perspective.

As to claims 3, 16, 29 and 42, Goh demonstrates targets being associated with a corresponding function capable of being performed in response to selection of said targets by a user via said cursor and said cursor control device. The icons are a part of the windows (targets). Once the user clicks one of the icons, the icon would launch to a program or a function which is associated with that icon.

As to claims 5, 7, 18, 20, 31, 33, 44 and 46, Goh also demonstrates the interface being capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display (column 3, lines 47-60).

As to claims 6, 19, 32 and 45, Goh teaches the interface being capable of displaying said simulated rotation of said targets about said axis in a simulated three dimensional presentation (column 2, lines 37-52).

As to claims 10, 23, 36 and 49, Goh also shows the targets being displayed as an animated sequence of movement (column 1, lines 43-50).

As to claims 11, 12, 24, 25, 37, 38, 50 and 51, Goh discloses each of said at least two selectable targets being presented as a polygonal shaped target and polygonal shaped target is capable of displaying content on each of its user-visible sides (figure 6 and column 15, lines 15-35).

As to claims 13, 26, 39 and 52, Goh also discloses the targets being capable of remaining visible as said targets travel in a simulated rotation about said axis (column 5, lines 20-50).

As to claims 53, 59, 65 and 71, Goh discloses "the simulated rotation is a 360 degree revolution in a substantially circular orbit about said axis" at figure 5. The polyhedron rotates under the user's control so that each face is presented to the user. It is clear that the user can view all of the faces of the polyhedron. That means the polyhedron can rotate 360 degree in a circular orbit about the axis.

As to claims 54, 60, 66 and 72, Goh also discloses "said all of said at least two selectable targets are located at different points along a common orbit about said axis during said simulated rotation". It is clear that when the polyhedron rotates, each face (selectable target) is located at different points (figure 5).

As to claims 55, 61, 67 and 73, Goh teaches "two or more of said at least two selectable targets are located in different orbits about said axis during said simulated rotation". Two faces (104, 106) rotate in one orbit. Other two faces (up and down) rotate in other orbit.

As to claims 56, 62, 68 and 74, also Goh teaches "said different orbits are located in parallel planes"

As to claims 57, 63, 69 and 75 and 58, 64, 70 and 76, Goh shows "said axis substantially lies within a plane of a screen of said display". It is clearly that the axis lies within the plane (500) of figure 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 17, 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh [US. 5,678,015] in view of Nielsen [US. 6,078,935].

As to claims 4, 17, 30 and 43, the difference between Goh and the claim is interface being capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary.

Nielsen shows the feature at figure 4, column 1, line 60 through column 2, line 8 and column 4, lines 55-68. It would have been obvious to one of ordinary skill in the art, having the teachings of Goh and Nielsen before them at the time the invention was made to modify the selectable targets taught by Goh to include the additional information which is attached to the targets

when the cursor is placed over the target, in order to provide the user more information about the selectable targets as taught by Nielsen.

Allowable Subject Matter

Claims 8, 9, 21, 22, 34, 35, 47 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims would be allowable because the prior art fails to teach or suggest the feature "the cursor being capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor".

Response to Arguments

Regarding group I, Appellant has argued that Goh does not disclose "how a window is selected in the case where overlapping windows are shown" and "each one of said all of said at least two selectable targets displayed on said at least a portion of said display remains continuously selectable during said simulated rotation". However, the Examiner does not agree because even though the user must rotate a target such that it is the top image layer and then select, the system of Goh (figure 5) still shows at least two selectable targets (104), (106) for the user to select from at the same time. The claim recites "all of said at least two selectable targets displayed on said at least a portion of said display capable of being simultaneously displayed in a

simulated rotation about an axis" and "each one of said all of said at least two selectable targets displayed on said at least a portion of said display remains continuously selectable during said simulated rotation". The Examiner interprets the language of the term "all of said at least two selectable targets" of the claim in a broad interpretation as only two selectable targets displayed on the portion. The Examiner interprets that the limitation "each one of said all of said at least two selectable targets displayed on said at least a portion of said display remains continuously selectable during said simulated rotation" means each one of two selectable targets displayed on said at least a portion of said display remains continuously selectable during said simulated rotation. So, the system of Goh does not need to provide more than two selectable targets displayed on said at least a portion of said display that remain continuously selectable during said simulated rotation. Therefore, figure 5 of Goh shows the two selectable targets (104) and (106). Once user selects window (target) 106, the user would be able to select window (target) 104 during a rotation. That means the two windows remain continuously selectable during the rotation. The two windows (104) and (106) are still represented for the users to select in the case the two back windows are overlapped. In another case of both windows 104, 106 rotating to the back of the polygonal surface, then the two back windows would move to the front of the polygonal surface for user to select. The system of Goh always provides at least two windows for user to select continuously during said simulated

rotation. Appellant's attention is also directed to figure 12 of the invention. It looks similar to figure 5 of the prior art (Goh).

Regarding group II, Appellant argues Goh does not teach "said interface is capable of varying the displayed size of said targets during said simulated rotation about said axis". Appellant asserts figure 5 of Goh appears to show icons in the background of the same size as icons in the foreground.

Similarly, figure 6 of Goh appears not to change the size of the icons in this other embodiment. Appellant assert that the targets are icons. However, the Examiner refers to the window (104) as being the targets. Window (104) would change its size (smaller) when it moves to the back of the screen (500) due to the viewing point perspective.

Regarding group III, Appellant argues the prior art does not teach "said interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display". However, Goh shows the limitation at column 5, lines 39-40. The cited column provides users selecting a window and it becoming opaque.

Regarding group IV, Appellant also argues there is no "said interface is capable of providing focus to a specific target in response to said cursor being positioned at least partially within said specific target's hotspot boundary". However, Goh teaches the hotspot boundaries (see figure 5, anything inside the polyhedron means inside the hotspot boundaries). When

user clicks window (within the hotspot boundary), the system of Goh provides focus on that particular window by changing window from translucent to opaque.

Regarding group V, Appellant argues Goh does not teach "said simulated rotation is a 360 degree revolution in a substantially circular orbit about said axis" and "each one of said all of said at least two selectable targets displayed on said at least a portion of said display remains continuously selectable during said simulated rotation". Please see response to argument for group I for the feature of "continuously selectable during the simulated rotation" above.

For the feature of "said simulated rotation is a 360 degree revolution in a substantially circular orbit about said axis". All the targets would rotate around the substantially circular orbit because the target has to get back to the user. In the case of these targets not rotating a whole circular orbit, the system of Goh always has at least two windows for user's selection such as two windows at the back of figure 5. It does not have to be window 104 and 106, it could be the other windows of the polyhedron.

Regarding groups VI and VII, Appellant has also argued in Goh system there is no "said axis substantially lies within a plan of a screen of said display" and "said axis is substantially normal to a plane of a screen of said display".

However, the arguments are not persuasive because even though there is not visible axis, the users always can imagine a string (axis) going through

the middle of the plane (figure 5). Because Goh's system discloses the cube rotation, it has to rotate in a certain axis.

Regarding group VIII, Appellant has also argued "said interface is capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary". While Goh shows the targets and their hotspot boundaries, Nielsen teaches tool tips (additional information) which a text (additional information) is only presented when the cursor moves over an icon. For the argument of "because Goh relates to an extremely intense icon environment in which Goh resorts to displaying the icons on the faces of a cube, Goh is not amenable to modification to add more text that would clutter the presentation of icons", this argument is not persuasive because the information only shows up when the cursor is over the icon.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Mylinh Tran

March 8, 2004

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Please find below and/or attached an Office communication concerning this application or proceeding.